

# Notice of Allowability

Application No.

10/726,730

Examiner

Jurie Yun

Applicant(s)

HANSON ET AL.

Art Unit

2882

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 1/10/06.
2. ☒ The allowed claim(s) is/are 1,2,5,7 and 8.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/10/06 has been entered.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Edward P. Dutkiewicz on 2/17/06.

The application has been amended as follows:

In claim 1, page 3, line 8, delete "testing cylinders, the testing cylinders" and replace with --density plugs, the density plugs--

In claim 1, page 3, line 14, delete "cylindrical radiation detector" and replace with --probe cylinder--

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In claim 1, page 3, line 16, delete "cylindrical radiation detector" and replace with --probe cylinder--

In claim 1, page 4, line 21, delete "any one of a class of commercially available"

In claim 1, page 4, line 21, insert --a-- before "patient resting"

In claim 1, page 4, line 22, delete "surfaces which includes X-ray table surfaces," and replace with --surface of an X-ray table,--

In claim 1, page 4, line 23, delete "surfaces and MRI scanning table surfaces," and replace with --and MRI scanning table,--

In claim 1, page 5, line 22, delete "a plurality" and replace with --the plurality--

In claim 2, line 8, between "grid lines" and "and" insert --being a first distance from the cube edge, the lines thereby dividing the face up into four equally sized squares,--

In claim 2, line 10, between "into," and "with" insert --the lines parallel to the respective cube edge with the peripheral grid lines intersecting near the four corners of the cube on each of the faces,--

In claim 2, line 10, delete "a centrally" and replace with --the centrally--

In claim 2, line 14, delete "testing cylinders" and replace with --density plugs--

In claim 2, line 15, delete "being" and replace with --configured to receive a probe of--

In claim 2, line 21, delete "a machine" and replace with --and a machine--

In claim 2, line 25, delete ";" and replace with --.--

In claim 2, line 26, delete "a plurality of density plugs."

In claim 5, line 2, delete "radiation"

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In claim 7, line 2, delete "radiation"

In claim 7, lines 2-3, delete "system comprises a" and replace with --each of the--

In claim 7, line 3, delete ", each of the plugs having" and replace with --has a--

In claim 8, lines 2-3, delete "system comprises a plurality of density plugs,"

In claim 8, line 3, delete "plugs having" and replace with --density plugs has a --

In claim 8, line 4, add a comma after the first incidence of "density"

***Allowable Subject Matter***

3. Claims 1, 2, 5, 7, and 8 are allowed.
4. The following is an examiner's statement of reasons for allowance: Prior art fails to teach a medical device standardizing system comprising, in combination, a cubic test device having a centrally located cylindrical aperture there through, from one side to the opposite side, the cubic test device further comprising a plurality of etched lines being located on each face of the six faces of the cube, with each face having a pair of etched lines also known as the central grid lines being a first distance from the cube edge, the lines thereby dividing the face up into four equally sized squares, and a centrally located notch on the lower edge of the cube side, each face of the cube also having four peripheral grid lines etched there into, the lines parallel to the respective cube edge with the peripheral grid lines intersecting near the four corners of the cube on each of the faces, with the front face having the centrally located cylindrical aperture there through, the rear face of the test cube device also has four equally spaced recesses there into, the recesses configured to receive and hold any one of a plurality of density plugs; a probe cylinder configured to receive a probe of a cylindrical radiation detector and being

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configured to be received by and held within the central cylindrical aperture; a test device resting table having a flat plane surface to receive the cubic test device; a test device resting table level; and a machine alignment tool to clamp the cubic test device to the flat plane surface, as claimed in claims 1 and 2. Claims 5, 7, and 8 are allowed due to their dependency on claim 2.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jurie Yun whose telephone number is 571 272-2497. The examiner can normally be reached on Monday-Friday 8:30-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on 571 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jurie Yun  
February 17, 2006



EDWARD J. GLICK  
SUPERVISORY PATENT EXAMINER